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CONSERVATION LAW CENTER

Volume III, Issue 1- March 2019

US Supreme Court Denies Cert on Public Trust Case, Preserves State Ruling



The United States Supreme Court announced in February that it denied the petition for a *writ of certiorari* in the appeal of the Indiana Supreme Court's 2018 ruling in *Gunderson v. State*. The effect of this denial is that the decision

in *Gunderson* stands. That case was decided unanimously in favor of the Conservation Law Center and its clients, the Alliance for the Great Lakes and Save the Dunes, as well as the State of Indiana and the Long Beach Community Alliance.

In early 2018, the Indiana Supreme Court handed down its decision in the landmark public trust case of *Gunderson v. State*. The Conservation Law Center, with attorney Jeffrey B. Hyman leading the litigation, represented environmental groups Alliance for the Great Lakes and Save the Dunes in a bid to protect the public's right to use portions of the Lake Michigan shore. In a unanimous decision, the Indiana Supreme Court held in *Gunderson* that the boundary separating state-owned public trust land from privately-owned land along the shores of Lake Michigan is the natural ordinary high water mark. When Indiana was created as a state, one of the rights that came with admission to the Union was the state ownership of the beds of the navigable waters within its borders, including the exposed shores between the ordinary high and low water marks on Lake Michigan. The state holds this portion of the shoreline in "public trust" for the benefits of its citizens, and private landowners along the lake cannot erect walls or other barriers that prevent people from walking along the shoreline. This court's opinion overall may be the most solid statement of the core public trust doctrine yet by a Great Lakes state.

A Welcome Note from New Executive Director Christian Freitag

Dear Friend,

Growing up in northwestern Indiana,
my father took my siblings and me to

the Indiana dunes at least once a week. There I learned to love nature and appreciate both its strength and fragility. These seminal experiences ultimately led me to law school and a career in conservation. Most recently, I served as director of Sycamore Land Trust for 18 years, helping protect some of southern Indiana's most important and beautiful natural areas. The opportunity to lead the Conservation Law Center in its next phase of growth is an exciting one.

We will continue to do our work with positivity, respect, and determination. People will be drawn to our work because they share the belief that tomorrow can be better, and people will support our work because we will be effective. Our clients will be majestic hardwood forests, endangered birds and butterflies clinging to existence, and parents who want to take their kids to walk along Indiana's lakeshore. Our partners will be advocates from around the state and nation fighting for clean air and water, students wanting to help the cause, and donors wanting to ensure we have the resources we need to achieve positive outcomes. Together, we're

going to have fun, and we're going to make a difference.

The foundation laid by Bill Weeks, Jeff Hyman, and the staff, graduate fellows, and hundreds of student interns has enabled CLC to accomplish great things over the last twelve years, and I could not be happier to join that legacy as your new director. I look forward to meeting you. Please don't hesitate to send me a note or give me a call. We're in this together.

Sincerely, with hope,
Christian



We met our Fall Appeal matching challenge goal of \$100,000! Thank

you for your donations.

Our new fiscal year has just begun.
Sign up to make a recurring donation
to show your support year round.

[Set Up a Recurring Donation](#)



A celebratory toast to welcome
news from the US Supreme
Court. (Pictured Left to Right: Jeff
Hyman, Bill Weeks, and Christian
Freitag)

Now Hiring: Graduate Fellow Attorney

Conservation Law Center is now accepting applications for the position of Graduate Fellow Attorney. This Fellowship is a one- to two-year position for recent law school graduates.

Past Graduate Fellows have gone on to private and public law professions, practicing for national environmental law firms, attorney generals, and government agencies.

[See Job Post Here](#)



Former Interns in the Field

Angela King ('07) is the Assistant Director of the Virginia Coastal Policy Center (VCPC). A partnership of the Virginia Institute of Marine Science, Virginia Sea Grant, and William & Mary Law School, VCPC is a clinical program for law students that provides science-based legal and policy analysis on a variety of issues impacting Virginia's coastal region. Angela's duties as Assistant Director range from developing grant proposals and reports, organizing VCPC's annual conference and other outreach events, and managing students enrolled in the clinic. Angela also assists with the completion of current VCPC projects that involve developing local wetlands boards guidance, considering the beneficial use of dredge material, determining local authority to

implement resilience measures,
and evaluating aquaculture
regulation in Virginia.

A new class of interns is here.

CLC is now hosting a new class of law student interns at Indiana University's Maurer and McKinney Law Schools. This semester's projects are well underway as the students are working on matters related to:

- Public Trust Doctrine
- Critical Habitat
- Water Laws
- And more!

